

ORDINANCE 1536

AN ORDINANCE OF THE CITY OF NORTH BEND, WASHINGTON, ADOPTING A NEW SECTION 9.205.020 OF THE NORTH BEND MUNICIPAL CODE TO DEFINE “OPEN SPACE” SOLELY FOR PURPOSES OF ENFORCEMENT OF CRIMINAL TRESPASS LAWS, EXPANDING THE PARK HOURS OF OPERATION TO OPEN SPACE; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, the City Council desires to create a new definition of “Open Space” applicable solely for purposes of enforcement of criminal trespass laws, while leaving in place the definition of “Open Space, Active” as set forth in the Zoning Code at NBMC 18.06.030; and

WHEREAS, the City Council desires to clearly prohibit the use of both parks and all open spaces from dusk until dawn;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF NORTH BEND, WASHINGTON, DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. Definition of “Open Space” Adopted: Chapter 9.205 of the North Bend Municipal Code is hereby amended to add a new section NBMC 9.205.020 to read as follows:

For purposes of this Chapter only, “open space” shall mean, areas accessible to humans for active or passive recreation uses, including but not limited to parks, trails, picnic areas, and areas under bridges.

Section 2. Park Hours of Operation: Chapter 8.34 of the North Bend Municipal Code is hereby amended to add “open space” to section NBMC 8.34.010 to read as follows:

8.34.010 Hours designated.

All North Bend city parks and open spaces, including the vehicle parking areas, shall be closed to the general public from the onset of dusk every evening and continuing until dawn the following day.

Section 3. Severability: Should any section, paragraph, sentence, clause or phrase of this ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this ordinance be pre-empted by state or federal law or regulation, such decision or pre-

emption shall not affect the validity of the remaining portions of this ordinance or its application to other persons or circumstances.

Section 4. Effective Date: This ordinance shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after the date of publication.

ADOPTED BY THE CITY COUNCIL OF THE CITY OF NORTH BEND, WASHINGTON, AT A REGULAR MEETING THEREOF, THIS 7TH DAY OF OCTOBER, 2014.

CITY OF NORTH BEND:

APPROVED AS TO FORM:

Kenneth G. Hearing, Mayor

Michael R. Kenyon, City Attorney

ATTEST/AUTHENTICATED:

Published: October 15, 2014

Effective: October 20, 2014

Susie Oppedal, City Clerk